

MATTHEW T. KIRSCH, Acting United States Attorney, District of Colorado
BRIAN DUNN, Special Assistant United States Attorney
Acting Under Authority Conferred by 28 U.S.C. § 515
Attorneys for the United States of America
Office of the United States Attorney
1801 California St., Ste. 1600
Denver, CO 80202
Telephone: 303-454-0200
Email: brian.dunn@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WANEKA ROSEBUD CORNPEACH,

Defendant.

Case No. 2:23-cr-00434

**JOINT MOTION FOR 120 DAY
ENDS OF JUSTICE CONTINUANCE**

Judge Howard C. Nielson, Jr.

The United States, by and through Special Assistant United States Attorney Brian Dunn, and defendant Waneka Rosebud Cornpeach, by and through counsel, Gregory G. Skordas, jointly move to exclude an additional 120 days from speedy trial and vacate and continue the trial date currently set for January 27, 2025. The parties respectfully request that the trial date be moved to April 7, 2025, if the Court's calendar can so accommodate. The parties have conferred and hereby submit this joint motion.

FACTUAL BACKGROUND

An indictment was issued on November 29, 2023, and submitted by a Special Assistant United States Attorney from the District of Colorado. Since that time, the undersigned Special Assistant United States Attorney has been appointed because the original attorney left the office. The Court arraigned the Defendant on November 30, 2023. Trial was set for February 6, 2024, which was within the 70-day time period under the Speedy Trial Act. Defendant moved, unopposed, to continue trial pursuant to 18 U.S.C. § 3161(h)(7)(A) (ends of justice) on three occasions. The trial is currently scheduled for January 27, 2025. The parties seek a continuance of the current trial date to April 7, 2025. The 120 days of additional time requested is reasonable and excludable under the Speedy Trial Act. The facts that support the continuance are as follows.

ARGUMENT

1. Defense counsel continues to review discovery with the Defendant. Defense counsel is also investigating potential expert witnesses who may appear on behalf of the Defendant. That investigation cannot be completed prior to the scheduled trial date, and additional time is needed to complete that process.

2. Defense counsel intends to file and litigate motions, and the Government intends to respond to said motions. Said motions are unlikely to be fully litigated by the currently scheduled trial date.

3. Undersigned counsel for the Government is currently the only AUSA in the District of Colorado appointed to take this matter to trial, and the undersigned SAUSA has several trials currently scheduled to proceed in January and February 2025 in the District of Colorado. The parties anticipate that this matter will proceed to trial. The undersigned SAUSA requires additional time to adequately prepare for trial and respond to the defendant's anticipated motions.

Under these circumstances, it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits currently established by 18 U.S.C. § 3161.

Ms. Cornpeach is not in custody. Defense counsel has conferred with her and explained the need for the continuance, and she agrees that the defense will not be hindered or prejudiced by the delay. There are no other defendants. A failure to continue trial under these circumstances would result in a miscarriage of justice and would deny counsel for each party a reasonable time necessary for effective preparation.

For these reasons, the parties moves to continue trial for 120 days, preferably to April 7, 2025. The ends of justice served by granting the continuance outweigh the interests of the public and the defendant in a trial as currently set; therefore, the time requested is excludable under 18 U.S.C. § 3161(h)(7).

Respectfully submitted this 12th day of December, 2024.

SKORDAS & CASTON, LLC /s/ Gregory G. Skordas
/s Gregory G. Skordas

BRIAN DUNN
Special United States Attorney

/s Brian Dunn
Brian Dunn
Special Assistant United States Attorney
Acting Under Authority Conferred by 28 U.S.C. § 515
U.S. Attorney's Office
1801 California St., Ste. 1600
Denver, CO 80202
Telephone: 303-454-0200
Fax: 303-454-0406
E-mail: brian.dunn@usdoj.gov
Attorney for Government

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2024, I electronically filed a true and correct copy of the foregoing JOINT MOTION TO CONTINUE JURY TRIAL, with the Clerk of the Court using ECF system.

/s Brian Dunn
SAUSA